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2 Entered on Docket
3 August 09, 2007
4

A handwritten signature in black ink, appearing to read "R. Linda Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

6 **LEWIS AND ROCA LLP**

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15 *Attorneys for USACM Liquidating Trust*

16 **UNITED STATES BANKRUPTCY COURT**
17 **DISTRICT OF NEVADA**

| | | |
|-------------------------------|----------|---|
| In re: | | Case No. BK-S-06-10725-LBR |
| USA COMMERCIAL MORTGAGE | } | Case No. BK-S-06-10726-LBR |
| COMPANY, | } | Case No. BK-S-06-10727-LBR |
| USA CAPITAL REALTY ADVISORS, | } | Case No. BK-S-06-10728-LBR |
| LLC, | } | Case No. BK-S-06-10729-LBR |
| USA CAPITAL DIVERSIFIED TRUST | } | CHAPTER 11 |
| DEED FUND, LLC, | } | Jointly Administered Under Case No. BK-S-06-10725 LBR |
| USA CAPITAL FIRST TRUST DEED | } | Date: April 26, 2007 |
| FUND, LLC, | } | Time: 9:30 a.m |
| USA SECURITIES, LLC, | Debtors. | Affecting: |
| | | <input type="checkbox"/> All Cases |
| | | or Only: |
| | | <input checked="" type="checkbox"/> USA Commercial Mortgage Company |
| | | <input type="checkbox"/> USA Capital Realty Advisors, LLC |
| | | <input type="checkbox"/> USA Capital Diversified Trust Deed Fund, LLC |
| | | <input type="checkbox"/> USA Capital First Trust Deed Fund, LLC |
| | | <input type="checkbox"/> USA Securities, LLC |

**ORDER SUSTAINING SEVENTH OMNIBUS OBJECTION OF THE USACM
LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS EXCEPT
PROOF OF CLAIM NO. 10725-2307 FILED BY DG MENCHETTI LTD. PENSION PLAN**

The USACM Liquidating Trust (the “USACM Trust”) filed its Seventh Omnibus Objection to Claims Asserting Secured Status [DE 3145] (the “Objection”) on March 20, 2007. Appropriate notice of the Objection was given. A response to the objection was filed with this Court as follows:

Opposition filed by the Mantas Group on behalf of DG Menchetti, Ltd. Pension Plan) regarding Claim No. 10725-2307 [DE 3507]. An Order Approving Stipulation with counsel allowing the claim as an unsecured claim, albeit subject to further objection, was signed by this Court on June 4, 2007 [DE 3887]. Counsel deleted DG Menchetti Ltd. Pension Plan's claim from the exhibit to the Seventh Omnibus Objection attached to this Order.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Seventh Omnibus Objection to Claims Asserting Secured Status listed on Exhibit A attached;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

3 The Court waived the requirements of LR 9021.

4 I have delivered a copy of this proposed order to all attorneys and unrepresented
5 parties who have appeared at the hearing regarding this matter and/or who filed
a written objection and each has:

6 approved the form of this order;

7 waived the right to review the order;

8 failed to file and serve papers in accordance with LR 9021(c); and/or

9 failed to sign and return this proposed order within five (5) business days
in accordance with LR 9021(b).

10 I have delivered a copy of this proposed order to all attorneys and unrepresented
11 parties who appeared at the hearing regarding this matter and/or who filed a
12 written objection and all have either approved the form of this order, waived the
right to review the order, failed to file and serve papers in accordance with LR
9021(c) and the following have disapproved the form of the order:

13 No opposition was filed to the motion and no other party or counsel appeared at
14 the hearing (none required).

15 APPROVED/DISAPPROVED

16

17 **BOLICK & BOYER**

18

19 By: _____
20 Erven T. Nelson
21 *Attorneys for Leo G. Mantas and Others*

22 **LEWIS AND ROCA LLP**

23

24 By: /s/ RC (#0006593)
25 Susan M. Freeman
26 Rob Charles
Attorneys for USACM Liquidating Trust

7th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims

| | <u>Claimant</u> | <u>Proof of Claim Number</u> | <u>Date Filed</u> | <u>Proof of Claim Amount</u> | <u>Proof of Claim Classification</u> |
|---|---|------------------------------|-------------------|------------------------------|--------------------------------------|
| 1 | Cynthia D Burdige Trust U/A Dated 4/13/00 C/O Cynthia D Burdige Trustee 100 Nw 82Nd Ave Ste 305 Plantation, FL 33324-1835 | 10725-00937 | 11/2/2006 | \$427,692.00 | S |
| 2 | Cynthia G Davis Living Trust C/O Cynthia G Davis Trustee 2465 Telluride Dr Reno, NV 89511-9155 | 10725-01919 | 1/10/2007 | \$101,493.06 | S, U |
| 3 | D & P Curtis Trust Dated 7/27/01 Patricia M & Dan L Curtis Ttees 404 Club Ct Las Vegas, NV 89144-0838 | 10725-00720 | 10/25/2006 | \$100,000.00 | S |
| 4 | | | | | |
| 5 | D&P Curtis Trust Patricia M & Dan L Curtis Ttees 404 Club Ct Las Vegas, NV 89144 | 10725-00765 | 10/25/2006 | \$100,000.00 | S |
| 6 | D`Elia, Humberto 72 Paradise Pkwy Henderson, NV 89074-6200 | 10725-00951 | 11/2/2006 | \$50,000.00 | S |
| 7 | Dalton Trust Dtd 1/7/94 C/O Bert A Stevenson Trustee 500 N Estrella Pkwy Ste B2 405 Goodyear, AZ 85338-4135 | 10725-01892 | 1/8/2007 Unknown | | S, U |
| 8 | Daniel & Virginia Salerno Family Trust Dtd 8/9/89 Daniel N & Virginia P Salerno Ttees Po Box 7869 Incline Village, NV 89452-7869 | 10725-00274 | 9/27/2006 | \$212,026.22 | S |
| 9 | Daniel D Newman Trust Dtd 11/1/92 C/O Daniel D Newman Trustee 125 Elysian Dr Sedona, AZ 86336 | 10725-02030 | 1/11/2007 | \$714,018.67 | S, U |

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|----|---|-------------|------------|--------------|------|
| 10 | Daniel Living Trust Mark A & Cathy A Daniel Ttees 20 Redonda Irvine, CA 92620 | 10725-02267 | 1/12/2007 | \$559,993.83 | S, U |
| 11 | Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97 C/O Daniel & Takeko Carlton Ttee 4697 Hooktree Rd Twentynine Palms, CA 92277-6723 | 10728-00043 | 9/25/2006 | \$17,260.84 | S |
| 12 | Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97 C/O Daniel & Takeko Carlton Ttee 4697 Hooktree Rd Twentynine Palms, CA 92277-6723 | 10728-00044 | 9/25/2006 | \$75,000.00 | S |
| 13 | Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97 C/O Daniel & Takeko Carlton Ttee 4697 Hooktree Rd Twentynine Palms, CA 92277-6723 | 10728-00045 | 9/25/2006 | \$55,000.00 | S |
| 14 | Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97 C/O Daniel & Takeko Carlton Ttee 4697 Hooktree Rd Twentynine Palms, CA 92277-6723 | 10728-00046 | 9/25/2006 | \$55,000.00 | S |
| 15 | Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97 C/O Daniel & Takeko Carlton Ttee 4697 Hooktree Rd Twentynine Palms, CA 92277-6723 | 10728-00049 | 9/25/2006 | \$50,000.00 | S |
| 16 | Daniel, Deborah A 249 S Vista Del Monte Anaheim, CA 92807 | 10725-02035 | 1/11/2007 | \$202,376.95 | S, U |
| 17 | Daniel, Gregory Scott 20 Redonda Irvine, CA 92620 | 10725-02164 | 1/12/2007 | \$50,746.52 | S, U |
| 18 | Daraskevius, Joseph G & Ardee S 2761 Kiowa Blvd S Lake Havasu City, AZ 86403 | 10725-00816 | 10/30/2006 | \$275,000.00 | S |
| 19 | Daraskevius, Joseph G & Ardee S 2761 Kiowa Blvd South Lake Havasu City, AZ 86403 | 10725-00865 | 10/31/2006 | \$275,000.00 | S |

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| 20 | Daryl Blanck & Yvonne Blanck Trust Dated 3/23/94 Daryl L. Blanck & Yvonne M. Blanck, Ttees 1243 Country Club Dr. Laughlin, NV 89029 | 10725-00601 | 10/6/2006 | \$13,737.00 | S |
| 21 | Daryl L. Blanck & Yvonne M. Blanck Trustees Of The Daryl Blanck & Yvonne Blanck Trust Dated 3/23/94 1243 Country Club Dr. Laughlin, NV 89029 | 10725-00602 | 10/16/2006 | \$21,396.39 | S |
| 22 | David A Gean Revocable Trust Dtd 4/3/92 C/O Marsha Kendall Trustee 6615 E Pacific Coast Hwy #260 Long Beach, CA 90803-4228 | 10725-02006 | 1/10/2007 | \$255,892.98 | S, U |
| 23 | David L Gross Family Trust Dtd 12/4/94 C/O David L Gross Trustee 895 On The Green Biloxi, MS 39532-3229 | 10725-00314 | 9/29/2006 | \$100,000.00 | S |
| 24 | Davis Family Trust C/O Joseph Davis & Marion Sharp 3100 Ashby Ave Las Vegas, Nv 89102-1908 | 10725-02334 | 1/13/2007 | \$750,000.00 | S, U |
| 25 | Davis Investments 3100 Ashby Ave Las Vegas, Nv 89102-1908 | 10725-02333 | 1/13/2007 | \$1,000,000.00 | S, U |
| 26 | Davis Ira, Joseph 3100 Ashby Ave Las Vegas, Nv 89102 | 10725-02332 | 1/13/2007 | \$6,000.00 | S, U |
| 27 | Davis Yoder Trust Dtd 12/16/00 Robert J Yoder & Nancy R Davis Ttees 12291 Prosser Dam Rd Truckee, CA 96161 | 10725-02084 | 1/11/2007 | \$610.82 | S, U |
| 28 | Davis, Todd 360 W 55Th St Apt 1G New York, Ny 10019 | 10725-02330 | 1/13/2007 | \$575,000.00 | S, U |
| 29 | Dcgt Fbo Claude M Penchina Roth Ira 74 Rue De Sevres Paris 75007 France | 10725-01546 | 12/4/2006 | \$51,692.44 | U S - Unknown |

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| 30 | Decedents Trust Of The Restated Moon Irrevoc Trust Dtd 6/12/87 Frieda Moon Ttee 2504 Callita Ct Las Vegas, NV 89102 | 10725-00009 | 5/22/2006 | \$37,860.24 | S |
| 31 | Deller, Ross 1469 Harmony Hill Henderson, Nv 89014 | 10725-00039 | 5/8/2006 | \$50,000.00 | S |
| 32 | Deller, Ross 1469 Harmony Hill Henderson, Nv 89014 | 10725-00040 | 5/8/2006 | \$50,000.00 | S |
| 33 | Deller, Ross 1469 Harmony Hill Henderson, Nv 89014 | 10725-00041 | 5/8/2006 | \$100,000.00 | S |
| 34 | Deller, Ross 1469 Harmony Hill Henderson, NV 89014 | 10725-00042 | 5/8/2006 | \$120,000.00 | S |
| 35 | Deller, Ross 1469 Harmony Hill Henderson, Nv 89014 | 10725-00053 | 6/5/2006 | \$100,000.00 | S |
| 36 | Dennis G Campton Md Psp C/O Dennis G Campton Trustee 5741 Kens Pl Pahrump, NV 89060-1751 | 10725-01030 | 11/6/2006 | \$59,209.25 | S, U |
| 37 | Dery Tenants In Common, Ann R & James D 19601 Van Aken Blvd Shaker Heights, OH 44122 | 10725-02062 | 1/11/2007 | \$151,807.59 | S, U |
| 38 | Dery, James D & Ann R Husband & Wife 19601 Van Aken Blvd Shaker Heights, OH 44122 | 10725-02063 | 1/11/2007 | \$1,396,673.86 | S, U |
| 39 | Desert Commercial Sweeping Inc Christopher D Jaime Esq Po Box 30000 Maupin Cox & Legoy Reno, NV 89520 | 10725-00518 | 10/18/2006 | \$70,000.00 | S |
| 40 | Desert Commercial Sweeping C/O Christopher D. Jaime, Esq. Maupin, Cox & Legoy P.O. Box 30000 Reno, NV 89520 | 10725-00661 | 10/23/2006 | \$70,000.00 | S |

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|----|--|-------------|-----------|--------------|------|
| 41 | Deutscher, Dwayne H & Michelle T 5430 Fenton Way Granite Bay, CA 95746 | 10725-02029 | 1/11/2007 | \$213,069.77 | S, U |
| 42 | Dewhurst Family Trust Po Box 6836 Incline Village, Nv 89450 | 10725-02300 | 1/13/2007 | \$100,000.00 | S, U |